



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,771	12/17/2001	Tim McCollum	04259.P078	4740

7590

07/30/2004

Thomas C. Webster
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/029,771	Applicant(s) MCCOLLUM ET AL.	
	Examiner Michael Roswell	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4, 5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 19 is objected to because of the following informalities: a claim that depends from a dependent claim should not be separated by any claim that does not also depend from said dependent claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 recites the limitation "said second plurality of sub-elements" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11, 13-17, and 19-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Vallone et al (US Patent 6,642,939), hereinafter Vallone.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Vallone teaches graphical user interface ("GUI") for navigating through multimedia content comprising a left menu region comprising a first plurality of selectable menu elements, one or more of a first plurality of selectable menu elements having a plurality of sub-elements, a selection element to identify one of the first plurality of selectable menu elements, and a right menu region adjacent to said left menu region, the right menu region to display a first plurality of sub-elements associated with an identified one of said first plurality of selectable menu elements, all taught as the use of a "two-column mode" for selecting elements and sub-elements of a menu, at col. 22, lines 54-65 and shown in Fig. 28.

Regarding claim 2, Vallone teaches the scrolling or paging up and down through menu elements by a user, at col. 22, lines 57-60.

Regarding claim 3, Vallone teaches moving a selection element to the right to identify a sub-element of a menu, at col. 22, lines 61-65.

Regarding claims 4, 6, and 7, Vallone teaches the selection of a sub-element from a first sub-element list, the movement of the first sub-element list to the left, and the addition of a second sub-element list on the right upon such a selection, taught as the maintenance of the two-column format upon the selection of a sub-element, at col. 24, lines 23-44.

Regarding claim 5, Vallone has been shown to teach use of a selection element for selecting one of a plurality of menu elements or sub-elements. Vallone also shows in Fig. 14 a remote control possessing a "select" button for use in the selection of such elements.

Regarding claim 8, Vallone teaches a first plurality of selectable menu elements comprising a channel listing and wherein the first plurality of sub-elements comprises a listing of times at which programs are broadcast on an identified channel, taught as the display of program listings for selected channels, at col. 18, lines 26-38, and Fig. 22.

Regarding claims 9-11, Vallone shows in Fig. 29 a graphical information region for displaying information related to a selected menu element. Vallone further displays information related to a television program, such as the title and description of the program, program rating, and listing of actors in the program, in Fig. 29.

Regarding claim 13, Vallone teaches a command menu generated responsive to a user input, the command menu containing a list of actions associated with a selected menu element, taught as the program options on a "Now Showing" screen in Fig. 18, and at col. 16, lines 10-24.

Regarding claim 14, Vallone teaches in Fig. 18 the use of a "Play" function for the immediate viewing of selected media. Inherently, the media is viewed in "real time", and unless the book marking feature of col. 16, lines 34-38 is in use, the program will most certainly be viewed from the beginning.

Regarding claim 15, Vallone teaches the use of a "Save until..." feature, allowing the user to customize how long the program will be stored, at col. 16, lines 14-20 and Fig. 18.

Regarding claim 16, it can be seen in Fig. 18 that Vallone allows for the recording of a selected program through the use of a "Save to my VCR" function.

Regarding claim 17, Regarding claim 1, Vallone teaches graphical user interface ("GUI") for navigating through multimedia content comprising a left menu region comprising a first plurality of selectable menu elements, one or more of a first plurality of selectable menu elements having a plurality of sub-elements, a selection element to identify one of the first plurality of selectable menu elements, and a right menu region adjacent to said left menu region, the right menu region to display a first plurality of sub-elements associated with an identified one of said first plurality of selectable menu elements, all taught as the use of a "two-column mode" for selecting elements and sub-elements of a menu, at col. 22, lines 54-65 and shown in Fig. 28. Vallone further teaches in Fig. 29 a graphical information region for displaying information related to a selected menu element.

Regarding claim 19, Vallone teaches the scrolling or paging up and down through menu elements by a user, at col. 22, lines 57-60.

Regarding claim 20, Vallone teaches moving a selection element to the right to identify a sub-element of a menu, at col. 22, lines 61-65.

Regarding claims 21 and 23, Vallone teaches the selection of a sub-element from a first sub-element list, the movement of the first sub-element list to the left, and the addition of a second sub-element list on the right upon such a selection, taught as the maintenance of the two-column format upon the selection of a sub-element, at col. 24, lines 23-44.

Regarding claim 22, Vallone has been shown to teach use of a selection element for selecting one of a plurality of menu elements or sub-elements. Vallone also shows in Fig. 14 a remote control possessing a "select" button for use in the selection of such elements.

Regarding claims 24-26, Vallone shows in Fig. 29 a graphical information region for displaying information related to a selected menu element. Vallone further displays information related to a television program, such as the title and description of the program, program rating, and listing of actors in the program, in Fig. 29.

Regarding claim 27, Vallone teaches a command menu generated responsive to a user input, the command menu containing a list of actions associated with a selected menu element, taught as the program options on a "Now Showing" screen in Fig. 18, and at col. 16, lines 10-24.

Regarding claim 28, Vallone teaches in Fig. 18 the use of a "Play" function for the immediate viewing of selected media. Inherently, the media is viewed in "real time", and unless

the bookmarking feature of col. 16, lines 34-38 is in use, the program will most certainly be viewed from the beginning.

Regarding claim 29, Vallone teaches the use of a "Save until..." feature, allowing the user to customize how long the program will be stored, at col. 16, lines 14-20 and Fig. 18.

Regarding claim 30, it can be seen in Fig. 18 that Vallone allows for the recording of a selected program through the use of a "Save to my VCR" function.

Regarding claim 31, Vallone teaches a recorded content indicator graphically indicating an amount of broadcast multimedia content stored on a mass storage device, and a playback shuttle indicator graphically indicating a point within the broadcast multimedia content at which playback is occurring, taught as the use of a cache bar for displaying how much information has been recorded in a cache, and the use of time marks for indicating the point at which the playback is occurring, at col. 19, lines 38-61, and Fig. 26.

Regarding claim 32, Vallone teaches a start time indicator indicating a start time of multimedia content and an end time indicator indicating an end time of multimedia content, shown in Fig. 26 as the left hand and right hand sides of the "trick play bar", described at col. 29, lines 51-54.

Regarding claim 33, it can be seen in Fig. 26 (item 2605) that Vallone teaches a playback progress indicator displaying time associated with the point at which playback is occurring, and described at col. 19, lines 59-60.

Regarding claim 34, Vallone teaches a current transport state indicator, taught as a "mode indicator" for disclosing the playback speed employed, at col. 19, lines 61-67.

Regarding claim 35, the cache bar and current time marks are offset from one another so as to show the delay in time from when the information was received and played back, shown as the difference in time between the filling cache bar and the sliding time indicator, at col. 19, lines 38-54.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Vallone and Ward, III et al (US Patent 6,756,997), hereinafter Ward.

Vallone teaches a graphical user interface composed of left and right menu regions and a graphical information region, suitable for selecting and viewing information pertaining to program broadcasts.

Vallone, however, fails to explicitly teach a video region on the GUI for displaying video of a broadcast in addition to the menu and information regions.

Ward teaches an interface for the viewing and recording of broadcasts, similar to that of Vallone. Furthermore, Ward teaches the use of a video region for concurrent menu selection and broadcasting, shown at Fig. 1 and col. 2 line 60 – col. 3, line 12 as the use of a picture-in-picture window for viewing broadcasts while manipulating interface menus.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Vallone and Ward before him at the time of the invention to modify the two-column broadcast interface of Vallone to include the picture-in-picture capabilities of Ward in order to obtain a two-column broadcast interface capable of broadcasting programs to a user while the user manipulates GUI menus.

One would be motivated to make such a combination for the advantage of viewing a selected broadcast while maintaining the ability to browse through channel guides, set up program recording times, etc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/029,771
Art Unit: 2173

Page 10

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
7/21/2004



CAO (KEVIN) NGUYEN
PRIMARY EXAMINER